

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85512

Guy MARCK, et al.

Appln. No.: 10/522,523

Group Art Unit: 1711

Confirmation No.: 7429

Examiner: Gregory LISTVOYB

Filed: January 26, 2005

For: PHOTOACTIVE MATERIALS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement, dated March 8, 2007 in which the Examiner requires that Applicant select one of the following groups for prosecution on the merits:

- | | | |
|-----------|---|--|
| Group I | - | Claims 1-41, drawn to intermediate product (diamine) |
| Group II | - | Claims 42-54 and 57-58, drawn to polymer (polyamic acid and polyimide) |
| Group III | - | Claims 55-56 and 59-67, drawn to a composition (crosslinked product) |

In response to the Restriction Requirement, Applicant elects Group I, Claims 1-41 for examination. This election is made with traverse.

First, Applicants respectfully submit that this application is a National Stage application that takes priority from PCT Application PCT/CH03/00507. As such, the examination of claims is governed by the Unity of Invention Standard and not by U.S. national standards under 35 USC 121. MPEP 823, MPEP 1850 and MPEP 1893.03(d).

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Second, under international standards applicable to this application, the presence of a single general inventive concept precludes a restriction requirement. Applicants respectfully submit that the claims of the three identified groups define a uniform invention.

An invention is uniform if it fulfils a single inventive concept, or if groups of the invention are linked so as to form a single inventive concept.

Single Inventive Concept

The present application relates to:

- diamines (claims 1 to 39), their use for alignment layers (claim 40) and to alignment layers obtained by reaction of these diamines (claim 41),
- to polymers obtained by reaction of these diamines (claims 42 to 54), to polymers obtained by reaction of these diamines, wherein the polymers in addition comprise a further compound (claims 55, 56, 57 and 58), and
- to final structures, which are polymer layers, use of polymer layers, method of preparing polymer layers and optical or electro-optical device (claims 59-67)

These three groups are linked together and form a single inventive concept. The single inventive concept is the provision of liquid crystal alignment layers having improved light stability. This improved light stability was accessible by the layers of the present invention comprising polymers, prepared from the diamines of the invention.

Diamines Are a Special Technical Feature

The diamines are the key factor for the light stability of the layers. Structurally, the diamines of the present invention inherently show very low light absorbance for wavelength above 360 nanometer and therefore improve light stability. In addition, they show very good aligning and optical or electro-optical properties (see specification on page 3, lines 14 to 23) of present application.

No Disclosure in the Prior Art

The above noted effects of the claimed diamines were not foreseeable by starting with teachings of the prior art. Furthermore, considering the diamines according to claims 1 to 41, the essence of the invention and, indeed the disclosed embodiments of the present application,

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will always be the final structure (claims 59 to 67), which is accessible by the polymers (claim 42 to 54 and 55 to 58), of the disclosed invention. As a matter of fact, a diamine according to claims 1 to 41 only makes sense if finally it will be conducted via the polymer into the final structure.

Precursors for Polymers

The diamines according to claims 1 to 41 are therefore the precursors for polymers (claim 42 to 54 and 55 to 58) and finally for the final structure as defined in claims 59 to 67. Thus, polymers and the subsequently the final structure are the aim and the logical consequence of the diamines according to claims 1 to 41.

In view of the above, the three groups of the present invention are linked together in such a way that they form a common inventive concept. Hence, Applicants strongly submit that, under the applicable international standards for Unity of Invention, the present invention is uniform.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 42-56.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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